

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Magistrate No.
05-1025-JGD

UNITED STATES OF AMERICA

v.

PEDRO SANTOS

MEMORANDUM AND ORDER OF DETENTION

February 18, 2005

DEIN, M.J.

The defendant is charged in a criminal complaint with conspiracy to distribute controlled substances, to wit: (i) more than 50 grams of cocaine base, a/k/a "crack cocaine" and (ii) cocaine, in violation of 21 U.S.C. § 846. An initial appearance was held on February 15, 2005, at which time the government moved for detention pursuant to 18 U.S.C. §§ 3142(f)(1)(B), (f)(1)(C) and (f)(2)(A) on the grounds that the defendant poses a danger to the community and a serious risk of flight. A probable cause and detention hearing was held on February 18, 2005, at which time the defendant was represented by counsel. The government presented the testimony of Special Agent Jeffrey E. Wood, Jr. who was cross-examined by counsel for both defendants. The defendants elected not to introduce any evidence.

At the conclusion of the evidence, this court found probable cause to believe that the crimes as alleged in the complaint had been committed by the defendants. Both defendants, through counsel, then consented to the entry of an order of voluntary

detention, without prejudice to their right to propose conditions of release at a later date.

Accordingly, it is ORDERED that the defendant be DETAINED pending trial, and it is further ORDERED --

(1) That the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) That the defendant be afforded a reasonable opportunity for private consultation with counsel; and

(3) On order of a court of the United States or on request by an attorney for the government, the person in charge of the corrections facility in which the defendant is detained and confined deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

This order is without prejudice to the defendant filing a motion at any time seeking a hearing to consider proposed conditions of release, regardless whether there have been changed circumstances

/s/Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge